IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Defective Special Appeal No. 41 of 2004

Sri Ram S/o Sri Mahabir,
R/o Village Kaithan Purwa,
P.O. Mohammadabad,
District Fatehpur (U.P.). …….. Appellant

Versus

1. State of Uttaranchal through Consolidation Secretary, Uttaranchal, Dehradun.
2. Consolidation Commissioner, Uttaranchal, Dehradun.
3. Settlement Officer of Consolidation, Roorkee, Haridwar, Uttaranchal. ……. Respondents

Mr. S.K. Mandal, Advocate for the appellant.
Mr. N.C. Gupta, Standing Counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. S.K. Mandal, Advocate for the appellant.

Mr. N.C. Gupta, standing Counsel for the respondents.

2. They are heard on the application for condonation of the delay in filing the appeal.

3. On due consideration of the submissions of the learned counsel for the parties and the grounds taken in the petition, we are satisfied that the appellant has succeeded in showing sufficient cause for the delay in filing the appeal.

4. Therefore, the Delay Condonation Application is allowed and the delay, in filing the appeal, is hereby condoned.

5. The learned counsel for the parties are heard on admission.

6. Appellant Sri Ram has filed this special appeal against the impugned judgment dated 21.08.2003 passed in Writ Petition No. 2414 of 2001 (S/S), whereby the petitioner's writ petition, seeking a direction for his regularisation, was dismissed.

7. The petitioner was appointed for fixed tenures of 89 days each during the period 08.03.1995 to 21.06.1996. The petitioner's representation, seeking his regularisation, was considered by the respondents in compliance of the directions contained in the judgment dated 19.08.1999 passed in petitioner's earlier Writ Petition No. 31237 of 1996 and the representation was rejected vide order dated 11.02.2000, which was impugned by the petitioner is his writ petition as Annexure No. 11.

8. From the impugned judgment, we gather that the learned Single Judge did not find any substance in the petitioner's claim for regularisation, as the petitioner's appointment was for a fixed tenure.

9. The view taken by the learned Single Judge is perfectly in line with the recent dictum of the Apex Court in the case of **Secretary, State of Karnataka & Others Vs. Umadevi & Others** reported din **2006 AIR SCW 1991,** wherein it has been held that a person employed on daily wages has no right for his regularisation.

10. In this view of the matter, we do not find any scope for interference and the special appeal, therefore, is liable to be dismissed and is hereby dismissed summarily.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C. J.)**
03.08.2006 03.08.2006

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